

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING  
REGULAR SESSION  
COMMISSIONERS MEETING ROOM  
107 W. Locust Street, Suite 303  
Boonville, Indiana  
May 27, 2014  
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Richard Reid, Vice President and Marlin Weisheit, Member.

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes. First Deputy Auditor, Allan James was in attendance.

PLEDGE OF ALLEGIANCE

**AREA PLAN COMMISSION**

**STREET CONSTRUCTION PLANS**

**Short Street – by Dave Woolen – 14’ wide gravel road extended 171 feet in existing right of way**

Don Williams: First we have some Area Plan Business.

Sherri Rector: Yes, we do.

Don Williams: Ms. Rector, if you’ll take off with those.

Sherri Rector: Thank you. The first is Street Construction Plans, its Short Street by Dave Woolen. Fourteen (14) foot wide gravel road extended one hundred seventy one (171) feet in existing right-of-way. I believe that when Brent was here he brought it before you and got a consensus here while back allowing him to do this. There was right-of-way but the road was only maintained for so many feet and he needed to upgrade it. Bobby has done an inspection on it and they have also...the next item is asking for a Street Acceptance of that additional one hundred seventy one (171) feet.

Marlin Weisheit: Sherri, the permit here says ‘Dan’ Woolen, I know our agenda says ‘Dave’ but it says ‘Dan’. I don’t think it matters...

Don Williams: That’s what it says...

Sherri Rector: My site review says ‘Dan’.

Don Williams: His signature says ‘Dan’.

Marlin Weisheit: And I know ‘Dave’ but I don’t know ‘Dan’ but it’s...

Sherri Rector: It should be ‘Dan’ I would believe.

Marlin Weisheit: Yeah, I believe so. Not that that matters I guess but it might.

Roger Emmons: Yeah, I think it might. It’s ‘Daniel David Woolen’.

Don Williams: Is that what it is? Daniel David? You could be right.

Marlin Weisheit: No, It’s ‘Dan R.’

Don Williams: That’s a good catch there, Commissioner Weisheit.

Roger Emmons: Dave works for EMA.

Sherri Rector: You just can’t find good staff anymore.

Don Williams: What do we need to do with that? Just change it on our agenda?

Sherri Rector: Yeah, that’s all we need, just make note in the record I would think.

Roger Emmons: On the official documents it’s ‘Dan’, right?

Sherri Rector: Yes.

Rick Reid: Do we accept roads in there with gravel?

Don Williams: Yes we do, in rural areas.

Rick Reid: Cause that means that we maintain it later on.

Bobby Howard: Yeah, he came to the meeting back in November or December I believe. They got a consensus from you to allow it to be gravel for one hundred seventy (170) feet.

Don Williams: You both approved that.

Rick Reid: Yeah, I know where it is.

Don Williams: Yeah, alright, Bobby, you got anything to state on this as far as a plan?

Bobby Howard: I'd just recommend approval.

Don Williams: It's obviously been built according to that plan.

Bobby Howard: Yeah, they had...they thought they had Street Plan Acceptance already when they got the consensus so they didn't realize they had to file the Street Plan. So when they came to get it accepted I told them, 'well, you need to file your Street Plans first'.

Marlin Weisheit: I'll make a motion to approve.

Rick Reid: Second.

Don Williams: Okay, I have a motion by Commissioner Weisheit; I have a second by Commissioner Reid. All in favor let me know by saying aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries. Thank you. Street Acceptance.

### **STREET ACCEPTANCE**

#### **Short Street – by Dave Woolen – 171 feet**

Bobby Howard: Again I would recommend approval.

Don Williams: Do I have a motion?

Marlin Weisheit: I'll make a motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye, motion carries three (3), zero (0). Okay, next, anything you have Ms. Rector?

Sherri Rector: No, that's it, thank you.

### **APPROVAL OF MINUTES**

#### **April 14, 2014 @ 4:00p.m...Regular Session April 28, 2014 @ 4:00p.m...Regular Session**

Don Williams: We have Approval of Minutes for April 14<sup>th</sup>, 2014 and April 28<sup>th</sup>, 2014, Regular Sessions.

Rick Reid: Can we do those together?

Don Williams: As far as I'm concerned, if it's okay with you guys?

Marlin Weisheit: Yes.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Have a motion by Commissioner Reid, a second by Commissioner Weisheit to approve the minutes of April 14<sup>th</sup>, 2014 and April 28<sup>th</sup>, 2014. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries.

### **ITEMS FOR DISCUSSION**

#### **EMS Monthly Report**

Don Williams: Okay, we have our EMS, next I see our...you're alone today.

Pat Rauscher: I know. How are you? I am by myself.

Roger Emmons: Tony's got training.

Pat Rauscher: Tony's in training right now, that's right. He's learning some things.

Don Williams: That's right, he is.

Pat Rauscher: Pat Rauscher for Warrick EMS, I've got the April, 2014 Operational and Financial Reports. Operational wise we had three hundred forty (340) ambulance runs, two hundred eleven (211) of those to local hospitals including one (1) by LifeFlight, we had forty four (44) refusals, thirty six (36) hospital transfers, twenty two (22) in the other category and twenty seven (27) private runs. We had no customer satisfaction surveys returned for that month and we had a ninety nine percent (99%) success rate of our goal response time.

Don Williams: None were returned?

Pat Rauscher: Nobody decided to send back that month. We'll have to try email, save the postage.

Rick Reid: Probably be better anyway.

Don Williams: Okay, let's talk about the financials.

Pat Rauscher: Financials wise for the month of April, 2014 we had ten thousand two hundred thirty six dollars (\$10,236.00) over budget for collections. For the year that puts us at fifteen thousand nine hundred twenty one dollars (\$15,921.00) over budget for collections. For expenses we are seven thousand five hundred thirty (\$7,530.00) under budget for the month and forty five thousand eight hundred fifty (\$45,850.00) under budget for the year.

Don Williams: Does anyone have any questions?

Marlin Weisheit: No.

Rick Reid: No.

Don Williams: No, okay, thank you. A committee will be meeting this Thursday for our first meeting and then we'll get a...

Pat Rauscher: A direction on that? Okay, sounds good.

Marlin Weisheit: Thanks, Pat.

Pat Rauscher: Thank you guys.

### **Discuss Ordinance Regarding Recording Fees for Certain County Documents**

Don Williams: Discussion on Ordinance Regarding Recording Fees for Certain County Documents. Do you want to discuss that, Roger?

Roger Emmons: Well, this issue, I know, Don, you've ran into it at least three (3) times during your ten (10) years. We had some emails recently though regarding this and Recorder, Yvonne Hughes, agreed that it might be best if the Commissioners enacted an Ordinance covering this so that there's no arguing about whether this or that document...yeah, we can record this at no charge for the County; no, we can't do that one...but I think there are a lot of county documents that can be recorded at no charge. I'd leave it to Todd's expertise to advise us which ones cannot but I...this office we have recorded right-of-way documents, deeds, you name it, and all sorts of legal documents and they've all been at no charge and there's been at least three (3) different Recorders that I've submitted those too and there was always resistance at first and then we pointed out a specific Indiana Code it says they would record those at no charge but I think the current Recorder would like clarification and an Ordinance would make it so she wouldn't have any questions.

Todd Glass: There is no state statute that actually explains it very well, so that's the problem that we're in. There's no state statute that says 'Recorders are to collect these fees from their Counties' and there's no statute that says that they 'cannot'. So there's certainly documents, Mr. President, that the county needs to record routinely and I'm certainly willing to identify a list to recommend to the Commissioners for a draft ordinance to give some direction to the Recorder is what I think she's asking for.

Roger Emmons: We'll have a...for the Oak Grove Phase II Project we have thirty eight (38) right-of-way parcels to acquire and so the documents from that, the Warranty Deeds will have to be recorded so there's thirty eight (38) right there coming up over the next year I would say.

Bobby Howard: Lincoln Avenue Phase III wouldn't...there's one hundred twelve (112) there I believe.

Don Williams: You going to get that information to our attorney? Different types of things?

Roger Emmons: I'd be happy too.

Don Williams: It makes no sense to charge because it's all General Fund. One party would take it out of General Fund to hand it to the other party to put it back into the General Fund so it's just a waste of time and man hours to do that so, yeah, if she wants an ordinance let's give her one. Anything else on that issue, Roger?

Roger Emmons: No, Sir, I think that covers it sufficiently.

## **DEPARTMENTAL REPORTS**

### **COUNTY ADMINISTRATOR**

#### **BEP – Blight Elimination Program**

Don Williams: Okay, let's go on to Departmental Reports.

Roger Emmons: Thank you. The first item I have is the BEP which is the Blight Elimination Program. We have several emails from Debbie Bennett-Stearsman who has kind of been the lead on this and in an email she sent on May the 19<sup>th</sup> she listed four (4) different things to be considered if the Board would be willing. The first thing that you would do to act

on it officially would be to pass a motion whereby you would agree to be the applicant for the City of Boonville and all of the towns in Warrick County who are interested in applying for the grant. But that would...in your motion I would recommend you make it contingent upon review of the participation agreement that Debbie will present to you and hopefully she'll give advance notice with some answers to certain questions we might have regarding that application.

Don Williams: I think there was that form and maybe another form the State still has to pass down if I recall, Partnership Agreement?

Roger Emmons: Yes.

Don Williams: And that agreement also?

Roger Emmons: Yes, she's still waiting on those.

Don Williams: And there have been several meetings and I know all of the city and town are kind of excited about it. Basically it's a loan you don't have to pay back, it's just like a grant and it's for simply tearing down blighted homes, it's fifteen thousand (\$15,000.00) if there's no basement, twenty five thousand (\$25,000.00) if there is a basement. The only stipulation is is that that City or the County or even the Homeowner, they have to partner together to apply for that and it's a loan but you don't have to pay it back so...it's federal issued I guess, so... Anyway, it's a good thing, we need a motion to approve the...

Roger Emmons: In her May 19<sup>th</sup> email she stated it would be great if the Commissioners wanted to go ahead and vote to be the applicant for all the Cities and Towns...we only got one (1) City in Warrick County, the City of Boonville, provided the County is in agreement with the Participation Agreement. She does not mention the Partnership Agreement.

Don Williams: Right, I know Boonville has a couple and Elberfeld has one (1) for sure. They already have possession so this is a good thing and it's an inexpensive way to actually tear down some of the blighted homes so I would entertain a motion.

Marlin Weisheit: I would make the motion that we do the Blight Elimination Program with the contingencies that Debbie's mentioned. I don't know how you want to word that, Roger, but...

Roger Emmons: For the County to be the applicant.

Marlin Weisheit: Yes.

Rick Reid: So moved, second.

Don Williams: Motion by Commissioner Weisheit, a second by Commissioner Reid. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries, three (3), zero (0).

#### **Request for FMLA Leave**

Roger Emmons: Next we have a request for FMLA leave. This particular employee...I checked the records and you last approved leave about a year ago, May 13<sup>th</sup>, 2013, and the records showed that the employee did not use any FMLA leave last year so they would be eligible for up to twelve (12) weeks of unpaid leave under FMLA so...

Don Williams: She has all of the doctor's paperwork?

Roger Emmons: Yeah, everything has been submitted.

Marlin Weisheit: I'll make a motion to approve the FMLA leave.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Roger Emmons: Thank you.

#### **Manage Antivirus Final Quotes – Award**

Roger Emmons: Under my other items the Manage Antivirus Final Quotes that was done at the last meeting; I did sneak that in there at the last of the meeting so you don't have to do anything with that.

#### **Castle HS Band 5k race – request for route approval**

Roger Emmons: I did add the request I received this morning from Jim Bush on behalf of the Castle High School Band. He can't make the meeting today, he said he'd be happy to if you want him to come back, I told him I'd at least give the Board the information. He gave us a good color map with the race route in red, Saturday, August the 2<sup>nd</sup> at 8:00 AM. They have submitted their Certificate of Insurance showing Warrick County Commissioners as Certificate Holder and... Sheriff Kruse, did they meet with you about the route?

Sheriff Kruse: (Cannot hear; he is away from the mic)

Roger Emmons: Okay, and that map, you know we have a listing of each street, street by street, it leaves the Castle lap around the football field, goes down Casey Road, I don't know what that road is there but almost to Hwy. 66 and they go west on the little cut through road that comes out there by Burger King and then they turn around and go back the same route to the point of beginning. In between they go in various circles around the Castle South Middle School.

Don Williams: Okay, what's the will of the Board?

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: A motion and a second for permission to do the 5k run. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Roger Emmons: Thank you, Mr. President. That's all I have.

Don Williams: Thank you.

## **COUNTY AUDITOR**

### **Claims**

Don Williams: County Auditor.

Allan James: Allan James, First Deputy, Auditors Office. We have Claims of one million ninety three thousand nine hundred seventeen dollars and forty cents (\$1,093,917.40).

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: We have a motion and a second to pay the claims. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye.

Allan James: Paper work is...I think Roger's got it.

Marlin Weisheit: Thanks, Allan.

## **COUNTY PURCHASING**

### **Bid for the Staircase from the Lillpop Building Demolition**

Don Williams: County Purchasing, you have a couple of things for us, Mr. Grassman.

Joe Grassman: Joe Grassman, Purchasing Manager. Yes, I want to ask the Board to entertain a somewhat belated bid for some of the surplus from the Lillpop building demolition which was in the form of an iron staircase. In the bid request I asked that they be due by Monday, May 12<sup>th</sup> at 4:00. This came in at 8:00 that night so it was about four (4) hours late but Greg Mason did bid one hundred dollars (\$100.00) for the iron staircase and fifty dollars (\$50.00) for the columns. Of course you know the columns went for one hundred twenty (\$120.00) but the iron staircase remains at the County Highway Department available for sale if you so wish.

Don Williams: He was the only bid we got for that?

Joe Grassman: That was it.

Don Williams: Normally we'd have to rebid it I think if it didn't come in on time. Any thoughts from the Board?

Marlin Weisheit: If he's the only bid I'm okay with it for one hundred dollars (\$100.00). At least it saves it from being scrapped. I'll make that motion

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries. Thank you, Gentlemen.

**Animal Control Fencing Project**

Joe Grassman: The thing that I'm...the fencing project at the Animal Control Shelter. I think at the last meeting we opened and awarded a bid. That bid has since been withdrawn by the company it was awarded too. And the other bid that was opened that night was non-compliant with the invitation to quote. He had none of the supporting data that was required so we had one (1) bid that was withdrawn, the other bid needs to be rejected so that I can then proceed to open bids since reissued for the same project.

Don Williams: I need a motion to reject all bids, previous bids on the animal control fencing project.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Motion and a second to reject all previous bids. I need a motion for Mr. Grassman to go forward with rebidding.

Marlin Weisheit: I'll make that motion.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Joe Grassman: I do have one (1) bid here; again I issued seven (7) invitations to quote to area fence dealers, and received one (1) bid. So in essence I have some of the reasons why, I've talked to the people since and I can give you the reasons why some of them decided not to bid but I think you might save that for a later date. I think the issue is to open this bid from Tri-State Fence and see what they have offered to do that project for.

Don Williams: This is for Animal Control?

Joe Grassman: Yes. We broke the bid down this time by the fencing and then we added as alternate bids, the barb wire and the lacing, so, Tri-State for the project in general, the price for the project in general, nine thousand four hundred twenty dollars (\$9,420.00). The additional price for barb wire was one thousand four hundred four dollars (\$1,404.00).

Don Williams: Why would we need barb wire?

Joe Grassman: The way it was explained to me was to keep the...a couple of things, to keep the animals from leaping over the six (6) foot fence and the other things was to keep people from throwing the animals into the fencing. I think that has happened from time to time to Animal Control, from keeping people from throwing unexpected or whatever animals into the shelter.

Don Williams: Well as I recall from that last bid that there was so much that was raised and then we decided to give a little bit more, what's the difference between this bid and the last one.

Joe Grassman: Well, let me finish this because there's one (1) other thing. We got the total project, which is basically the fencing, to add barb wire to top of all the fencing, there's four hundred thirteen (413) linear feet, was fourteen hundred four dollars (\$1,404.00). To add lacing material, which is the fabric you weave between the sections of the fencing for privacy or other issues to add that to the bid, not installed, just the materials and they were going...the way it was explained to me, they were going to install it themselves, so that's an additional two thousand seven hundred sixty eight dollars (\$2,768.00). And I think the...

Don Williams: Unless they've got money then I'm not going there.

Joe Grassman: Well, that's up to you... Do you want to say anything Brett?

Brett Woolsey: One of the reasons...

Roger Emmons: Wait until you get up there.

Brett Woolsey: I'm sorry. Joe and I talked, one of the reasons we went back and forth about breaking out the bid is because I think the one bidder that ended up withdrawing his bid, I think he kind of left them two (2) items out and from that discovery of him leaving those out we kind of figured that they were two (2) highly priced items that maybe on the initial...with just getting the initial fence that we could possibly do without, go ahead and get the fence structure up and then continue raising money and then get the lacing for...cause they were going to install that themselves anyway, twenty seven hundred dollars (\$2,700.00) worth of lacing, I think that lacing can be bought online a lot cheaper than that even and just have it shipped in here.

Marlin Weisheit: And we can do without that for a little while if we need to, just get the fence up.

Brett Woolsey: For a little while if you needed to, I talked to Danielle about it just over the phone, she says it's important so the dogs don't fight between the fences.

Marlin Weisheit: I understand.

Brett Woolsey: I understand that and I don't disagree with her, but to get this thing going, I asked Joe if it would be a good idea to break these two (2) items out and I think it is, because you can see the cost of the two (2) items. And the

barb wire I think to keep animals from being tossed in as much as anything, and some animals will climb, I think maybe later that can be added too but I think to get the fence project going, I mean, Chris, we've raised a little bit more money since then but this is really close to what the last bid was, right? The last bid was...

Roger Emmons: I think it is pretty close.

Brett Woolsey: It's really close, it was nine thousand...but we've got enough to cover that difference if you guys were going to kick in the twenty seven hundred...

Roger Emmons: Twenty seven fifty three or something like that.

Brett Woolsey: I've got it written down here somewhere in my notes.

Roger Emmons: And the Commissioners stated they'd take that from your discretionary line item, Highway Donation.

Don Williams: Right, non-tax dollars.

Roger Emmons: Yes.

Brett Woolsey: If you guys did that we've got enough now to cover the balance of the base bid, to go ahead and get this thing going and then, like I said, we're talking about having a fund raiser toward the early fall, in September and possibly raise some more money for lacing and then for barb wire. And that stuff can be added at a later date and maybe even, I don't know if it can be added by county employees at that point in time if since you've already got structure there or the lacing can definitely added by...that stuff's easy, all you...it's just tedious.

Roger Emmons: Weave it.

Brett Woolsey: Yeah, you could probably even get volunteers out there to help do that.

Don Williams: A good community service job.

Brett Woolsey: There you go.

Roger Emmons: And really the cost of the barb wire, which Danielle did email me that the only reason to have it up on top was because of people will come by after hours and in the night time and throw animals, throw dogs especially.

Don Williams: Do they have record of that ever happening.

Chris Woolsey: Yes.

Brett Woolsey: I think that that was probably...since it was right there on the edge of the road people would do it, I can see them I guess pulling back there now, but it being further off the road right next to the Sheriff's station...I don't disagree with her and the fact that people would do that, I believe it, I definitely do, but... And I think adding the barb wire at a later date would probably maybe be a good idea. And maybe...I think that the barb wire was figured for every run of the fence...

Joe Grassman: It was.

Brett Woolsey: And it should just be figured for the perimeter if that's the case and not for the interior parts of the fence. And so that would cut down the cost. Because I was reading the specifications the other day and I think they figured every lineal foot of the fence to have barb wire and I don't think there's a reason for that, I think you could just have it on the perimeter.

Aaron Franz: Aaron Franz with the Health Department. Is it my understanding that if we accept this bid then those other items can come along later?

Roger Emmons: Yeah, they're small purchase items, I mean, Joe could call around or get on the internet and find a price.

Joe Grassman: You're not committed to anything but...

Aaron Franz: But we accepted...if that was accepted then we could go ahead and do the project and the rest of it could be done at a later date as the money is raised without going through this process a second time. We have always had...I've been working with Animal Control since 1994 and we have always had drop offs in various ways as well as removals in various ways so any kind of protection we can have with that fence it would be an added plus with the barb wire but that would be something we could do at a later date. They have the funding, I would ask that we consider moving forward now, other things can happen later if need be. Thank you.

Brett Woolsey: Quite possible if you put it in the perspective of which one was more important, quite possible we could move on one fairly quickly.

Aaron Franz: Correct.

Don Williams: I don't think we have any problem as long as...I mean, our commitment to the twenty seven hundred dollars (\$2,700.00) wasn't attached to a specific bidder, it's just the limit we're willing to go.

Rick Reid: I'll make a motion to approve that.

Don Williams: And I think that was a not to exceed, was it a not to exceed bid?

Roger Emmons: Yeah, there was a specific amount that I had...

Brett Woolsey: Do you have that number or can I get that?

Roger Emmons: Twenty seven fifty two (\$2,752.00) according to Angie.

Marlin Weisheit: And I'll second that motion.

Don Williams: And if it's not needed then let's not go there.

Roger Emmons: So Rick made the motion and Marlin seconded?

Todd Glass: Mr. President is that just for the fence component or is a motion to approve everything quoted in that quote?

Don Williams: I didn't ask for a motion yet but I got a motion and a second.

Roger Emmons: Is that just your motion is just for the fence?

Rick Reid: Yeah, just for the fence.

Don Williams: We got a motion and a second then go ahead and put the base fence up. We have to vote on it yet but other than that...

Joe Grassman: This one thing before you vote, in lieu of what happened the last time, that was when I went and dug into these things I found the other guy was not compliant, um, I'd like to ask for some time to be able to make the motion to accept the proposal in lieu of my examining this for compliance and giving...

Marlin Weisheit: Making sure everything's right.

Don Williams: Alright, could you withdraw your motion and your second for withdraw and we'll make a motion to take it under advisement until...

Rick Reid: I'll withdraw my motion.

Don Williams: Okay.

Marlin Weisheit: I'll withdraw my second.

Don Williams: Okay, I'll entertain a motion to take that under advisement.

Rick Reid: So moved.

Marlin Weisheit: Well, I want to keep it going, I don't want to wait two (2) weeks to get it approved.

Roger Emmons: He said he'd like to get...

Don Williams: I think we can pass it contingent upon meeting the requirements. We need that verbiage changed.

Todd Glass: Conditioned on it being compliant on review by the Purchasing Officer.

Joe Grassman: So if I analysis it tomorrow morning and at noon I come to the conclusion that it's complete then...

Don Williams: Once you say its okay, then its okay.

Rick Reid: I'll make the motion for that.

Don Williams: Okay, I have a motion to approve the base fence contingent upon it meeting the requirements when specified by Mr. Grassman. Do I have a second?

Marlin Weisheit: Yes, second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Okay, you got your fence.

Brett Woolsey: As far as the check we'll be writing, do I get that to Roger?

Roger Emmons: Yeah, we'll get it made out to the Warrick County Animal Control Charitable Donation Fund.

Brett Woolsey: Okay, thank you.

Joe Grassman: That's all I have. Thank you, Gentlemen.

## **COUNTY ATTORNEY**

### **Ordinance Regulating Peddlers and Solicitors, 1<sup>st</sup> Reading**

Don Williams: Mr. Attorney, it's all yours.

Todd Glass: Yes Sir, at the request of the Commissioners we looked into county restrictions on in essence door to door salesmen. Of course Commissioners are aware that we do have a very abbreviated ordinance on bucket shakers, which is a new term to me but the street intersection events soliciting donations for various causes, but the county does

not have anything regulating door to door salesmen. We looked in to it and we've proposed a draft ordinance for the Commissioners consideration, it's based actually upon various ordinances from I believe Boonville and Evansville, Lafayette and maybe even Ft. Wayne but as a result of some issues that we were made aware of from the Sheriff's Department you ask that we draft a proposed ordinance regulating peddlers and solicitors. And 'peddlers' under this proposed ordinance are individuals that have something to sell and it's right there with them, like a brush, I guess. A 'solicitor' is someone that is soliciting the purchase or the subscription of something that the purchaser would receive later. So that's the difference. But the regulation is before the Commissioners suggesting that for anyone to be a door to door salesman they actually have to apply with the Commissioner Administrator, there's a license fees for a particular period of time ranging from a weekend for thirty dollars (\$30.00), a week for fifty (\$50.00), a month for a one hundred dollar (\$100.00) fee and a calendar year for a thousand dollar (\$1,000.00) fee. I think it's...it's a solid process, lengthy, but it requires all of the protections including Certificate of Insurance. I also noticed that there was some redundancy in the bucket shaker ordinance; I suggest the Commissioner consider a Certificate of Insurance for that activity also. You've got all sorts of people just standing out in the middle of intersections, sometimes extremely busy intersections, and we are suggesting a Certificate of Insurance also be added to that particular ordinance similar to the peddler and solicitor ordinance.

Don Williams: Most of the bucket shaking goes on on state roads.

Rick Reid: We have exemptions on there for like Boy Scouts, and Girl Scouts...

Todd Glass: Boy do we, we have rather wide open exemptions for that sort of thing, charitable, church related, religious related, um...retail, wholesale stores for resale, you know people delivering the UPS and Fed Ex people. Even gardeners, farmers and vegetable growers selling produce. That was something that I saw on most all other examples, and news carriers. I think most all the typical exemptions are on there. We're not...this does not require the girls scout to come and get a license or anything like that. But the Commissioners are aware of some of the issues that have resulted particularly peddlers and solicitors going door to door. You'll also notice a recommendation that the time element is restricted to 9:00 AM to one hour before dusk in which we saw in other examples. So we don't have any risks of these door to door salesman's being out there after dark, their license would not permit that.

Don Williams: Okay, I didn't see anything in the draft ordinance stated where those fees go.

Todd Glass: Those fees go to the County Administrator. Oh, you mean what fund?

Don Williams: Yeah, I mean, could we put in the Commissioners Donation Fund for an example? It's a fee, it's not a tax.

Roger Emmons: That's a good idea.

Don Williams: I guess too, I mean we just spent twenty seven hundred (\$2,700.00) out of that, it'd be nice if we had a way to put a little bit in that.

Todd Glass: No, it does not specify where you would like those fees actually deposited.

Don Williams: I think it probably ought to be specified.

Roger Emmons: If it's not specified the assumption that I would make would be the County General Fund.

Rick Reid: I'd like the commissioner to get that.

Don Williams: We can put it in a Donation Fund; I'd like to do that since it's a fee.

Roger Emmons: If Counsel agrees that would be great.

Todd Glass: That's the Commissioner prerogative.

Don Williams: I mean, this isn't something we have to do today is it, Counselor? Can we add that to it?

Rick Reid: No, that's just the first reading.

Don Williams: Well, we can do all three (3) at one time if we felt it was urgent.

Todd Glass: You can approve it on first reading with that...

Don Williams: With that change?

Todd Glass: Um-hm.

Don Williams: Okay, we can do that then. Do you have any problem with that?

Marlin Weisheit: No, sounds good.

Don Williams: I don't know if there's any legal issues for...sounds good?

Rick Reid: I'll make that motion.

Don Williams: Okay, I have a...let me state that, make sure I got your motion correctly. I have...we need an ordinance number and then we'll approve it by ordinance. What will that ordinance be?

Roger Emmons: I'm showing it will be 2014-15.

Angie Leslie: 2014-16.

Roger Emmons: I'm sorry, 2014-16.

Todd Glass: And if I would, Mr. President, I'd mention for Sheriff Kruse's benefit that where it requires the door to door sales man to have a copy of it on their person also.

Don Williams: Okay.

Todd Glass: We have a question out here in the audience.

Don Williams: What's that?

Todd Glass: We have a questions...

Don Williams: Yeah.

Sherry Sherman: Question...

Don Williams: Come up and state your name and who you represent.

Sherry Sherman: Sherry Sherman, Warrick County Chamber of Commerce. Does this ordinance address what I refer to as 'Storm Chasers'? The trees and siding and roofing people who come in following? So it does address that?

Todd Glass: That would be a 'solicitor' coming in and saying 'I can come in and clean your yard for eight hundred dollars (\$800.00) or repair your roof for three thousand dollars (\$3,000.00)'.

Sherry Sherman: Okay, cause we get lots of calls about those, um, before the storm has passed. Okay, thank you.

Rick Reid: So you need a motion now?

Don Williams: Yeah, I kind of got lost there; we need a motion to approve it with the coming change of where the funds are going in the Commissioners Donation.

Rick Reid: Okay, I'll make a motion for Ordinance 2014-16 to be approved with the funding going to the Commissioners Fund.

Don Williams: Commissioners Discretionary Fund.

Rick Reid: Discretionary Fund.

Todd Glass: And that would be the licensing fees.

Don Williams: Licensing fee, yes.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

**Resolution Adopting Increase in Posted Speed Limit for Outer Lincoln Ave in Warrick County, 1<sup>st</sup> Reading**

Todd Glass: Thank you, Mr. President, and secondly I have before the Commissioners a proposed resolution, the commissioners have the authority to declare speed limits on the public highways within the county under state statute and by county ordinance 70.01 and the commissioners are considering raising the maximum speed limit for Outer Lincoln Avenue from Bell Road westerly to the Warrick County/Vanderburgh County line to thirty five (35) miles per hour. I would remind the Commissioners that that is the maximum mileage per hour that has been approved by the design of the highway, does not exceed that although the commissioners have the ability to approve a higher mile per hour under state statute.

Don Williams: If we put a forty (40) on there they're going to do fifty (50), I mean, correct me if I'm wrong, Sheriff, but...

Sheriff Kruse: (I cannot hear; he is away from the mic.)

Rick Reid: What's the Resolution number?

Roger Emmons: It'd be 2014-07.

Don Williams: Resolution 2014-07. Okay, any other discussion on it? If not I entertain a motion.

Rick Reid: I'll make a motion to approve resolution number 2014-07 to raise the speed limit on Lincoln Avenue from thirty (30) to thirty five (35) miles per hour.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Todd Glass: Thank you, Mr. President.

Don Williams: Anything else, Mr. Attorney?

Todd Glass: No.

**COUNTY ENGINEER**

Don Williams: Mr. Engineer, do you have anything, Sir?

Bobby Howard: Yes, I have one (1) item and it is the Lincoln Avenue Phase III, the Indiana Department of Transportation Local Public Agency Project Coordination Contract. As you know INDOT has required that we start filling these out on all of our federal aid, this is...in order for us to receive federal funds in the amount of six million one hundred twenty seven thousand six hundred dollars (\$6,127,600.00).

Don Williams: That's Phase...?

Bobby Howard: Phase III from Bell Road to Lenn Road. And I would just ask approval of this contract tonight.

Rick Reid: I'll make a motion to approve that contract.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

**COUNTY HIGHWAY**

Don Williams: Do you have anything from the Highway side of things or is that all of your business?

Bobby Howard: That's all of my business at this time. Thank you.

Don Williams: Thank you.

**COUNTY SHERIFF**

Don Williams: Sheriff, do you have anything?

Sheriff Kruse: No, Sir.

**COMMISSIONERS ITEMS FOR DISCUSSION**

Commissioner Williams: Anything, Commissioner Reid?

Commissioner Reid: No, Sir.

Commissioner Williams: Commissioner Weisheit?

Commissioner Weisheit: No, Sir.

Commissioner Williams: Entertain a motion.

Commissioner Reid: Motion to adjourn.

Commissioner Weisheit: Second.

Commissioner Williams: We are adjourned.

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DON WILLIAMS, PRESIDENT

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RICHARD A. REID, VICE PRESIDENT

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MARLIN WEISHEIT, MEMBER

ATTEST:

\_\_\_\_\_  
L.B. DUGAN, AUDITOR  
WARRICK COUNTY, INDIANA